

City of Selah
Council Minutes
November 14, 2017

Regular Meeting
Selah Council Chambers
115 West Naches Avenue
Selah, WA 98942

- A. Call to Order Mayor Raymond called the meeting to order at 4:00pm.
- B. Roll Call
- Members Present: Paul Overby; John Tierney; Roy Sample; Laura Ritchie; Roger Bell; Russell Carlson
- Members Absent: Diane Underwood
- Staff Present: Donald Wayman, City Administrator; Robert Noe, City Attorney; Dale Novobielski, Clerk/Treasurer; Gary Hanna, Fire Chief; Jim Lange, Deputy Fire Chief; Bret Reeves, Police Sergeant; Chris Knox, Animal Control Officer; Joe Henne, Public Works Director; Ty Jones, Public Works Utility Supervisor; Jeff Peters, Community Development Supervisor; Dave Mullen, Recreation Manager; Bree Tait, Civic Center Manager; Andrew Potter, Human Resources Manager; Bronson Faul, Municipal Court Judge; Vanessa Ibarra, Municipal Court Clerk; Monica Lake, Executive Assistant

C. Councilmember Absence – Motion to Excuse

Mayor Raymond informed the Council that Council Member Underwood wasn't able to get away from work and would be either tardy or absent.

Council Member Tierney moved, and Council Member Carlson seconded, to approve Council Member Underwood's tardiness or absence. By voice vote, approval was unanimous.

D. Pledge of Allegiance

Mayor Raymond led the Pledge of Allegiance.

E. Invocation

Pastor Scott Ruark gave the prayer.

- F. Agenda Changes **None**
- G. Public Appearances/Introductions/ Presentations **None**
- H. Getting To Know Our Businesses **None**

I. Communications

1. Oral

Mayor Raymond opened the meeting.

Whitney Stohr, Selah Downtown Association, approached the podium and addressed the Council. She said that the SDA has given a computer lab to the senior center at the Civic Center, with tablets and keyboards in a locking storage cart. She informed those in attendance that November 25 is Small Business Saturday, the annual day following Black Friday, when they are encouraging people to shop local and support small businesses. She remarked that the Lighted Parade will be held on December 1 at 6:30, and run from the middle school to the Civic Center, where they will de-stage and allow people to take photos with Santa and the floats. She noted that the Giving tree is up at the Civic Center, and they are sponsoring sixteen Selah School District families this year.

Mayor Raymond inquired about the number of applications received for the parade.

Ms. Stohr responded that they have received five so far, which is on par with the previous year.

Seeing no one else rise to speak, Mayor Raymond then closed the meeting.

2. Written

a. October Monthly Report for Building Permits/Inspections and Code Enforcement

J. Proclamations/Announcements **None**

K. Consent Agenda

Council Member Tierney moved, and Council Member Overby seconded, to move Resolution N – 2, N – 3, N – 4, N – 5, and N – 6 to the Consent Agenda. By voice vote, approval was unanimous.

Executive Assistant Lake read the Consent Agenda.

All items listed with an asterisk (*) were considered as part of the Consent Agenda.

* 1. Approval of Minutes: October 24, 2017 Council Meeting

* 2. Approval of Claims and Payroll:

Payroll Checks Nos. 81214 – 81233 for a total of \$273,494.08

Payroll Checks Nos. 81234 – 81259 for a total of \$201,257.33

Claim Checks Nos. 70315 – 70332 for a total of \$ 244.24

Claim Checks Nos. 70333 – 70419 for a total of \$215,528.10

- * 3. Resolution N – 1: Resolution authorizing the Mayor to sign a Law Enforcement Assistance Agreement relating to Communications between the City of Selah and Yakima County
- * 2. Resolution N – 2: Resolution authorizing the Public Works Director to sign a Water Quality Stormwater Capacity Agreement with the Washington Department of Ecology for \$50,000 in grant funds for the City’s Stormwater Management plan
- * 3. Resolution N – 3: Resolution Approving the Final Plat of “Somerset II” (912.42.15-02) and Authorizing the Mayor to Sign the Final Plat
- * 4. Resolution N – 4: Resolution authorizing the Mayor to execute an interlocal agreement between the City of Yakima and City of Selah for building inspection and plan review services
- * 5. Resolution N – 5: Resolution authorizing the Mayor to sign an Agreement for the use of equipment for the purpose of monitoring home detention and/or alcohol consumption, as ordered by the Selah Municipal Court Judge, between the City of Selah and Moon Security Services Inc.
- * 6. Resolution N – 6: Resolution authorizing the Mayor and Judge to sign an agreement with Yakima County concerning Probation Services

Council Member Ritchie moved, and Council Member Tierney seconded, approval of the Consent Agenda as read. By voice vote, approval was unanimous.

L. Public Hearings

- 1. Open Record Hearing – Discuss the proposed 2018 Budget

Clerk/Treasurer Novobielski addressed L – 1. He noted that they held preliminary 2018 budget meetings the previous week, giving a brief review of the handout provided to Council of a summary, by fund, of the proposed 2018 budget.

Council Member Carlson asked if there were any significant differences between the initial preliminary budget and what he had just presented.

Clerk/Treasurer Novobielski responded in the affirmative, saying that it is updated continually for items such as the forty-five thousand dollar tax credit they would receive due to an additional contribution to the Selah Downtown Association (SDA) in 2017, increases to the General Fund revenues, a typographical error on a line item for Planning, education pay granted to an employee, and additional sewer revenues for an industrial customer.

Council Member Carlson wondered if the budget allotted a continued contribution to the SDA.

Clerk/Treasurer Novobielski replied in the affirmative, saying it would be the same amount as 2017.

Mayor Raymond opened the Public Hearing. Seeing no one come forward, she then closed the Public Hearing.

M. General Business

1. New Business **None**
2. Old Business **None**

N. Resolutions

- * 1. Resolution authorizing the Mayor to sign a Law Enforcement Assistance Agreement relating to Communications between the City of Selah and Yakima County
- * 2. Resolution authorizing the Public Works Director to sign a Water Quality Stormwater Capacity Agreement with the Washington Department of Ecology for \$50,000 in grant funds for the City's Stormwater Management plan
- * 3. Resolution Approving the Final Plat of "Somerset II" (912.42.15-02) and Authorizing the Mayor to Sign the Final Plat
- * 4. Resolution authorizing the Mayor to execute an interlocal agreement between the City of Yakima and City of Selah for building inspection and plan review services
- * 5. Resolution authorizing the Mayor to sign an Agreement for the use of equipment for the purpose of monitoring home detention and/or alcohol consumption, as ordered by the Selah Municipal Court Judge, between the City of Selah and Moon Security Services Inc.
- * 6. Resolution authorizing the Mayor and Judge to sign an agreement with Yakima County concerning Probation Services

O. Ordinances

1. Ordinance providing for the Annexation of Certain Real Property by the City of Selah, Washington, and incorporating the same within the Corporate Limits thereof and Zoning said Real Property One-Family Residential (R-1)

Community Development Supervisor Peters addressed O – 1. He said that the property being brought in is located on Speyers Road, and that this is the formal portion of the annexation process. He stated that the Boundary Review Board rendered a no action letter, and they could proceed to bring the MKKI annexation properties into city. He noted that the parcel numbers are listed in the Ordinance.

Council Member Tierney remarked that it would be nice to have a map showing the location.

Community Development Supervisor Peters responded that he would make sure they receive one with the Graf annexation.

Council Member Overby indicated the map hanging in the Chambers, saying that it is the little notch in the upper left hand corner.

City Administrator Wayman inquired about any opposition.

Community Development Supervisor Peters responded that there was none and no comments during the Boundary Review Board process.

Council Member Tierney moved, and Council Member Bell seconded, to approve the Ordinance providing for the Annexation of Certain Real Property by the City of Selah, Washington, and incorporating the same within the Corporate Limits thereof and Zoning said Real Property One-Family Residential (R-1). Roll was called: Council Member Overby – yes; Council Member Tierney – yes; Council Member Sample – yes; Council Member Ritchie – yes; Council Member Bell – yes; Council Member Carlson – yes. By voice vote, approval was unanimous.

2. Ordinance to Establish the Amount of Taxes to be Levied Upon the Real and Personal Property in the City of Selah, Yakima County, Washington, and Fixing the Tax Levy for the Year 2018

Clerk/Treasurer Novobielski addressed O – 2. He said that this Ordinance is to adopt the 2018 property tax levy, which is one percent more than 2017 plus new construction, for a total increase of forty thousand seven hundred thirty dollars. He noted that a decrease in property values it would actually result in an approximately nine cent decrease per thousand to Selah residents.

Council Member Overby moved, and Council Member Carlson seconded, to approve the Ordinance to Establish the Amount of Taxes to be Levied Upon the Real and Personal Property in the City of Selah, Yakima County, Washington, and Fixing the Tax Levy for the Year 2018. Roll was called: Council Member Overby – yes; Council Member Tierney – yes; Council Member Sample – yes; Council Member Ritchie – yes; Council Member Bell – yes; Council Member Carlson – yes. By voice vote, approval was unanimous.

3. Ordinance adopting the 2015 International Building Code, Residential Code, Energy Code, Mechanical Code, Existing Building Code, Property Maintenance Code, Uniform Plumbing Code, and Fire Code unto the City's Title 11 Building Codes and Standards

City Attorney Noe addressed O – 3. He said that the packet of I-code adoption material was before Council at the last meeting, during which time they discussed whether enforcement additions should eliminate prosecuting violations as misdemeanor crimes. He referred Council to the memo he provided in the packet, which says that State RCW 7.80 talked about decriminalizing certain violations, and in response Selah adopted 6.75, which allows us to pursue through the civil process, giving the City an alternative with regard to penalty provisions. He agreed that it makes more sense a lot of times to pursue through civil proceedings, but acknowledged that staff is recommending that they keep the criminal penalty provision per the five items set forth in the memo. He informed Council that they are not

permitted to adopt the I-codes and do something less stringent than what the codes provide for, and that there may be times when the City would need to gain access to a property through a search warrant, which would need a criminal violation issued for a judge to consider. He opined that a criminal penalty would be more of a deterrent than a strictly monetary one, adding that the staff needs flexibility to approach violations in ways that make sense, as they are the ones who administer the codes, and that he is advocating that the penalty provision be left as is with both criminal and civil penalty provisions.

Council Member Tierney moved, and Council Member Overby seconded, to approve the Ordinance adopting the 2015 International Building Code, Residential Code, Energy Code, Mechanical Code, Existing Building Code, Property Maintenance Code, Uniform Plumbing Code, and Fire Code unto the City's Title 11 Building Codes and Standards.

Council Member Ritchie said that she wished to discuss the matter, as Council Members Tierney and Overby were not in attendance at the previous meeting.

Council Member Tierney stated that he read the Ordinance and Minutes and felt that further discussion would be a waste of time.

Council Member Ritchie responded that she doesn't agree that it is a waste of time, as she feels that something regulating building code should be decriminalized. She commented that it is a philosophical argument as to whether the government should have more power, such as the ability to obtain a search warrant to gain easier access to the inside of a building. She reminded Council that the Fourth Amendment protects citizens against improper searches and seizures, and that this is a very minor misdemeanor that has not been enforced through criminal proceedings at all.

Council Member Tierney observed that the criminal aspect has been on the books for years, adding that he felt they shouldn't deprive staff of the ability to use this additional tool. He noted that in his eleven years on Council he has never had anyone bring to his attention abuse of this statute or code.

Council Member Carlson remarked that the issue was whether to leave it on the books, as he didn't feel that it having been that way in the past was justification for leaving it on for the future. He said that he was on the fence and wondered if they should be going further in depth on the matter.

Council Member Overby commented that they include the penalties and provisions of the International Codes by reference in the Ordinance, which spares them the necessity of non-experts figuring that stuff out.

Council Member Ritchie responded that her proposal is to just to take out the language for criminal penalties.

Council Member Overby stated that he was comfortable with it as is, and that if someone was criminally negligent he would like to be able to pursue that criminally.

Council Member Ritchie replied that there are other avenues.

Council Member Tierney observed that they don't include jail time.

Council Member Ritchie responded that the reality is that a person would not get jail time.

Council Member Tierney gave an example of negligence with regard to construction of a school that had a roof collapse and kill several children, saying that he felt such a situation would deserve more than just a civil penalty.

Council Member Ritchie answered that it would be a wrongful death situation, which is a lot more than a misdemeanor. She expressed concern that the document says any provision in the entire title could be a criminal action, even if done by non-builders, and that it is putting a lot of faith in the government that they can show restraint.

Mayor Raymond remarked that everything has to go through the building inspector.

Council Member Ritchie said they would still be accountable, just not criminally.

Council Member Bell commented that they need the building code, and that if a builder intentionally violates it they need the criminal element for that, because without a criminal code for intentional violations they may not care.

Council Member Tierney suggested that they pass the Ordinance as written then, if someone would like to see the criminal element removed they have an AIS developed and brought back. He stated that they need to pass the code to have control over construction, as they are already two years behind.

Roll was called: Council Member Overby – yes; Council Member Tierney – yes; Council Member Sample – yes; Council Member Ritchie – no; Council Member Bell – yes; Council Member Carlson – no. Motion passed with four yes votes and two no votes.

P. Public Appearances **None**

Q. Reports/Announcements

1. Departments

Police Sergeant Reeves had no report.

Fire Chief Hanna gave a brief update on volunteers, saying that they have fifteen new applicants throughout the district who would be undergoing agility testing tomorrow night. He noted that they are doing public training outside the department this week and training for staff.

Human Resources Manager Potter spoke about the driver simulator that was brought in courtesy of Clear Risk for employees to use, and invited Council Members to participate as well if they would like. He said that he has been in discussion with a secondary medical insurance broker, adding that the current one has negotiated an additional one percent plus savings for the City. He noted that there would be a salary schedule update presented at the next Council Meeting, with a two point five percent increase for non-represented employees.

Civic Center Manager Tait said that they have the Pink Ribbon bazaar Saturday from 10am to 3pm, and that the first senior computer class was successful.

Community Development Supervisor Peters gave Council an update on the subarea plan, saying that they had approximately twenty-five people show up at the Civic Center, which was very well-attended event for this type of project. He added that he would continue to meet with business owners and get out to meet with the Selah Chamber. He commented that they would have a study session with Council in either December or January to convey public comments on the subarea plan so Council can provide direction.

Council Member Carlson thought the speaker at the Civic Center did a phenomenal job, and felt that the group setting should be applied on a regular basis. He asked if not approving the Ordinance would have changed any application of code.

Community Development Supervisor Peters responded in the affirmative, saying that the purpose is to update building codes to the correct cycle with amendments to allow them to administer the building code and review plans from builders. He noted that what Council Member Ritchie brought up was something already on the books, and that Council could make a motion to bring back an amendment to decriminalize that portion of the code.

Council Member Carlson wondered if there was need to apply tighter enforcement to the City.

Community Development Supervisor Peters answered that he didn't feel it necessary at this time, and that further amendments would require a study session and justification.

Public Works Director Henne thanked Council for authorizing them to move forward with the stormwater grant, saying that he has plans for next year to do more electronic mapping and GPSing of catch basins and reporting. He gave a brief update on tasks his department is undertaking to prepare for winter, and noted that they are meeting with those who provided RFPs for transit.

Council Member Carlson inquired as to when they would have an official discussion on transit.

Public Works Director Henne responded that City Administrator Wayman would like it for the next Council Meeting.

City Administrator Wayman remarked that they need to do due diligence before bringing it to Council.

Recreation Manager Mullen gave an update on recreation programs, saying that they are working on providing additional activities for kids next summer aside from the pool. He noted that staff is working on a new toy set for Carlon Park but aren't in a rush as it needs warmer weather to be installed.

Clerk/Treasurer Novobielski gave a property tax update, noting that they are up approximately nine percent over last year at this time.

City Administrator Wayman wondered if the increase was due to an increase in developed property.

Clerk/Treasurer Novobielski said not necessarily, as an increase in developed properties would be new construction, but the majority is for existing properties not built within the last year or two.

Council Member Carlson inquired as to the increase over the budgeted amount.

Clerk/Treasurer Novobielski responded that they have received six thousand more than budgeted.

Council Member Carlson asked what they would be doing with those monies.

Clerk/Treasurer Novobielski replied that it becomes part of the fund balance, and that it would be nice to put it away in some of the reserve funds. He added that the finance committee would meet to discuss putting away money into contingency reserves.

City Attorney Noe had no report.

2. Council Members

Council Member Ritchie had no report.

Council Member Overby had no report.

Council Member Sample had no report.

Council Member Tierney had no report, but apologized to Council Member Ritchie and his other fellow Council Members for the poor choice of words on his part.

Council Member Bell mentioned the notice he handed out to Council regarding the SPRSA board meeting to take input on the new levy, which would be held next Monday evening at the Civic Center, following the regular SPRSA Board meeting at 5pm. He encouraged everyone to share the information to help the SPRSA develop a plan to move forward based on how the community feels about the levy and the pool in general. He spoke briefly about the partnership between the City, the SDA, and the Selah Chamber to do Christmas lighting awards for the community, with a deadline of December 8 at noon for nominations and winners announced on December 12.

Council Member Carlson expressed in appreciation for the number of people who volunteer their time and effort to the community, through the SDA and other ways. He stated that they owe it to the citizens to do their due diligence through discussions on matters such as adopting new building codes.

3. City Administrator

City Administrator Wayman informed Council that they have been reviewing the geometry for a traffic circle at south First Street and Southern Avenue, and that it needs a study done with WSDOT if they pursue it, with the City contributing approximately three thousand dollars for the study.

Public Works Director Henne said that they are looking at preliminary costs for right of way acquisition and the traffic circle, which would also include relocating the trolley tracks located in the western portion of the circle. He suggested doing a traffic intersection analysis of the circle versus a traditional stop light.

City Administrator Wayman said that they would get back to Council regarding other measures that could be taken to allow for a traffic light to be there.

Public Works Director Henne noted that the three thousand would be seed money just to get it started.

Council Member Tierney asked if the traffic study would include the potential impact with installation of a traffic circle.

Public Works Director Henne responded that it would show traffic flows, how it would impact speed, and the intersection operation as a whole, as well as going through a warrant analysis that looks at traffic numbers, speed accident volumes, and which type of control has more value.

Council Member Tierney wondered if it would be prudent to include a welcome sign as well.

Public Works Director Henne replied in the negative, adding that they could add that as a side conversation.

Council Member Carlson would prefer to have conversations about the sign at the same time.

Public Works Director Henne replied that they have plenty of time to have a discussion once they figure out what they are going to do.

4. Boards
 - a. Planning Commission Minutes – October 17, 2017
5. Mayor

Mayor Raymond said that she went to the Yakima Chamber luncheon, where she heard that Selah's Business Trick or Treat event was the best one out there, and extended her thanks to those who joined in and made the event such a success.

P. Executive Session **None**

Q. Adjournment

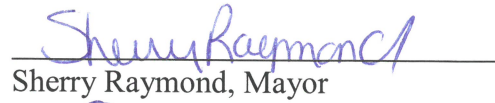
Council Member Tierney moved, and Council Member Carlson seconded, that the meeting be adjourned. By voice vote, approval was unanimous.


The meeting adjourned at 5:05pm.


Paul Overby, Council Member

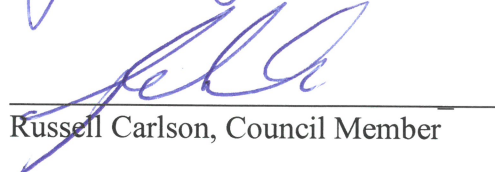

Roy Sample, Council Member


Roger Bell, Council Member


Sherry Raymond, Mayor

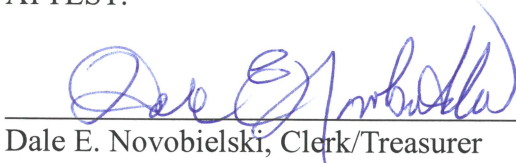

John Tierney, Council Member


Laura Ritchie, Council Member


Russell Carlson, Council Member

EXCUSED
Diane Underwood, Council Member

ATTEST:


Dale E. Novobielski, Clerk/Treasurer